

NOTES ON MILITARY PENSIONS.—EAST INDIA COMPANY'S MILITARY FORCES.

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1. EUROPEAN FORCES.

Recruiting.

IN 1810 an Act was passed, under which recruits might be enlisted either for life or a limited service of twelve years, for the Company's European infantry, or for their artillery.

"Every European soldier, enlisted for unlimited service, shall, if he have conducted himself to the satisfaction of his commanding officers, be entitled, at the expiration of twelve years from the date of his enlistment, to a bounty, equal in amount to that usually given to soldiers in our service, who re-enlist for five years; and at the expiration of seventeen years shall be entitled to be discharged or re-enlisted for a farther period, on the usual terms."—(Orders by the Governor-General in Council, 26th Feb. 1814.)

"There being reason to believe that, in several instances, soldiers have, by false assertions, obtained certificates of their having served their contracted time before it was actually expired; in order to prevent such impositions, it is to be considered as a standing order in future, that no soldier shall be permitted to quit the regiment to which he belongs, or to renew his contract for farther service, until a certificate shall be obtained from the Fort-Major of Fort William, that it appears by the books of his office, that the former engagements have been fulfilled; which certificate is to be required from the Fort-Major by the commanding officers of regiments, upon every application from soldiers to be discharged the service, or to be permitted to renew their contracts."—(General Order, Commander-in-Chief, 28th March, 1788.)

"The greatest care is to be expected from all surgeons in the examination of soldiers brought to them for inspection, and in particular those who agree to renew their contracts: if, in any instance, it shall appear that those who have been permitted to renew, have disorders, which render them unfit for active service, and which with attention might have been discovered at the time of inspection, *the remissness of the surgeon will be considered as a gross neglect of duty, and he will be called to a strict and public account for it.*"—(General Order, Commander-in-Chief, 28th March, 1788.)

Discharging of disabled men.

The committees of surgeons for the purpose of examining men who may be recommended for the invalid establishment, from the European corps, are to assemble annually on the 31st August.

Pensioning of disabled European soldiers.

The Governor-General in Council determined, 1st Jan. 1807, that the establishment of the European invalids for the Bengal Presidency

should consist of two companies of European Artillery invalids, and two companies of European Infantry invalids.

European soldiers who are pensioned in consequence of wounds or long service, and whose good conduct and character for steadiness and sobriety shall give them a claim to consideration, may be permitted to reside and draw their pensions in India. Pensioners of this class are to receive the pay and half batta of the rank in which they are invalided, should they have held it uninterruptedly for three years prior to their transfer, but when that shall not be the case, the pensioners are to receive the pay and half batta of the next inferior rank.

Meer Mahomed Jaffer Cawn, Nabob of Bengal, bequeathed to Robert Lord Clive, five lacs of rupees, of the value of 62,833*l.* 6*s.* 8*d.* which sum he paid into the Company's treasury during the year 1766. His Lordship being zealous for the prosperity of the Company, the security of their territories, &c. which could be preserved by an efficient army only, considered that the establishment of a provision for such of the officers and privates employed in the Company's service as should be disabled by age, war, or disease, contracted during their service, would tend to induce fit persons to enter the service, and encourage the bravery of the troops, and proposed to the Court of Directors of the Company to appropriate the interest of the five lacs of rupees which he had received from the Nabob, for the purpose of supporting a certain number of officers and soldiers, who from wounds, length of service, or diseases contracted during their service, were thereby rendered unfit to serve any longer, and whose fortunes might be too scanty to afford the officers a decent, and the privates a comfortable subsistence in their native country, and also to make some provision for the widows of such officers and private men as should have been entitled to the said bounty, or whose husbands should have lost their lives in the Company's service.

The Court of Directors accepted his Lordship's proposal, and they and their successors were appointed perpetual trustees of the fund. To this fund of five lacs of rupees, *Lyf-ul-Dowla*, Nabob of Bengal, added three lacs of rupees, amounting to the sum of 37,700*l.* According to an agreement between the East India Company and Lord Clive, of which an abstract is annexed, the Company was to pay on account of the fund at the rate of eight per cent. per annum, for the sum of eight lacs of rupees.

The trust was to commence from the 29th Sept. 1769, and for the relief and maintenance of European officers and soldiers who shall become invalids or superannuated, their widows, or widows of officers and soldiers dying in the service.

Commissioned, staff, or warrant officers were to have half the ordinary stated pay they were entitled to whilst in the service.

Serjeants, corporals, and private men were to receive a similar amount of pension as are allowed to Chelsea pensioners of the same degrees.

Widows of officers were to receive one-fourth of the ordinary stated pay their husbands enjoyed whilst in service.

The pensions were to be paid yearly, and every year during their natural life.

Widows were to receive the pensions during widowhood, and no longer.

If the Company should cease to employ either troops or shipping in India, the Court of Directors, for the time being, were to pay Lord Clive or his executors the sum of five lacs of rupees, chargeable, however, with the amount of pensions for the lives of the persons entitled thereto.

Annexed are copies of the regulations which have been issued by the Court of Directors, on the subject of pensions to officers and soldiers.

Every petitioning officer must produce a certificate from his commanding officer, of his being an invalid, and rendered incapable of farther service in India, together with an approbation of such certificate by the Governor and Council of the Presidency where he shall have served.

“ It is recommended to every commanding officer not to grant a certificate which may entitle any person to be admitted a pensioner *without the fullest evidence of such person being actually an invalid and incapable of farther service in India*, and this must be certified to the commanding officer, under the hand of the surgeon of the regiment, or at least of one of the army surgeons, and the greatest circumspection must be observed in all cases where the reality of the cause alleged for the application for a certificate, is not apparent or easily ascertained.”
—(Minute of Council, 7th March, 1772.)

Every commissioned officer must make oath before the Governor and Council, viz :—

A colonel, that he is not possessed of, or entitled to, real and personal property to the value of	£4000
A lieutenant-colonel	3000
A major	2500
A captain	2000
A lieutenant	1000
An ensign	750

Officers' widows must produce proof, on affidavit, that their husbands did not die possessed of property as above.

All commissioned, staff, or warrant officers, to have half the ordinary pay they enjoyed whilst in service, viz :—

	Per annum.			Per day.		
	£	s.	d.	s.	d.	
A colonel	228	2	6	or	12	6
A lieutenant-colonel	182	10	0	or	10	0
A major	136	17	6	or	7	6
A captain	91	5	0	or	5	0
A lieutenant	45	12	6	or	2	6
An ensign	36	10	0	or	2	0
A surgeon	91	5	0	or	5	0
An assistant-surgeon	45	12	6	or	2	6
Conductor of ordnance	36	10	0	or	2	0

Their widows one-half the above, to continue during their widowhood.

Serjeants of Artillery to have ninepence a day, and those that have lost a limb one shilling a day.

Privates of the Artillery sixpence a day, and those that have lost a limb ninepence a day.

All other non-commissioned officers and privates to have fourpence three-farthings a day.

Officers and privates to be entitled from the period of their landing in England.

Extract from the resolution of the Court of Directors of the East India Company, ordering an increase of pensions of non-commissioned officers and privates discharged from the Company's service.—Dated 14th April, 1819.

All serjeants who shall have actually served in the Company's army twenty-one years, whereof the last eight, at least, in that capacity, shall be allowed, during their respective lives, one shilling a day, in any part of his Majesty's dominions in Europe, over and above the pension derivable from Lord Clive's fund.

All serjeants who shall have served fourteen years, discharged on account of debilitated constitutions, one shilling a day, (whether Artillery or Infantry,) *i. e.* their respective pensions from Lord Clive's fund shall be made up to that sum.

All corporals and privates, discharged at their own request, after twenty-one years, one shilling a day; and corporals and privates (whether Artillery or Infantry) after fourteen years, discharged as unfit on account of broken constitutions, be allowed ninepence a day, *i. e.* their respective pensions from Lord Clive's fund shall be made up to that sum.

In cases of wounds or injuries on service :—

	Per day.
	<i>s. d.</i>
If totally unable to earn a livelihood, and if wounded after twenty-one years' service	1 10
If wounded after twenty-one years' service, but able to contribute something to earn a livelihood	1 4
If totally unable to contribute to earn a livelihood, and if wounded after fourteen years	1 6
If wounded after fourteen years, but able to contribute	1 0
If rendered totally unable to earn a livelihood, and if wounded under fourteen years	1 3
If wounded under fourteen years, but able to contribute	0 9
In all the foregoing cases, the pension from Lord Clive's fund to be included.	

With the exception of men who have actually served twenty-one years, none to be admitted, unless discharged as invalids, entitled to Lord Clive's bounty.

No men to be admitted as a matter of right, who have not served at least fourteen years, or been disabled on actual service.

East India House,
21st July, 1819.

II. NATIVE TROOPS.

Recruiting.

“Recruits for native corps are to be enlisted only under the directions of commanding officers of battalions, and previously to enrolment are to be approved by the commanding officer of the regiment in all stations where he can inspect them.”—(Minutes of Council, 8th Aug. 1786.)

“No man who has served as a Sepoy is to be enlisted but on producing a discharge from the regiment or battalion he has served in; excuses of discharges being lost or destroyed are not to be admitted.”—(Minutes of Council, 8th Aug. 1796.)

“No Sepoy is to be entertained who is not five feet six inches high, or who is under sixteen years or above thirty years of age, unless in the latter case he shall have served before.”—(General Order, Commander-in-Chief, 9th Jan. 1809.)

“Prior to enrolment, the following declaration is to be made to a native recruit:—

Declaration.

“In time of peace, after having served three years, on making application for your discharge through the commanding officer of your company, it will be granted you in two months from the date of your application, provided it will not cause the vacancies in your company to exceed ten, in which case you must remain until that objection be removed; but in time of war you have no claim to a discharge, but must remain and do your duty, until the necessity of retaining you in the service shall cease.”—(General Order, Commander-in-Chief, 16th May, 1806.)

Discharging of Soldiers.

“Discharges to troopers and Sepoys at their own request, are to be granted by the officer in command of the regiment, when the average vacancies in companies do not exceed three men. When vacancies are in excess to the above number, discharges are not to be granted without the previous consent of the commanding officer of the station on which the regiment is dependant.”—(General Orders by the Governor-General in Council, 5th Jan. 1797.)

“The Commander-in-Chief having reason to suppose that the General Orders of the 5th Jan. 1797, relative to the discharges of native soldiers, have in some cases been misunderstood, or acted upon to a latitude of construction as foreign to the true intent of those orders, as it is incompatible with the welfare of the service: His Excellency, with a view of obviating further misconceptions on this subject, thinks it necessary to declare, that the power to dismiss troopers or Sepoys unfit for the service, which is vested in commanding officers of regiments by the orders above mentioned, is confined solely and exclusively to the cases of men, who from physical causes are incapable of performing the duties of soldiers, and is never to extend to individuals of any other description.

“Under the orders now given, it will be observed, that except in cases of unfitness for the service, arising from bodily defects, to which

the surgeon of the corps is invariably to bear testimony by his signature to the discharge, no native soldier is ever to be discharged the service, unless at his own request, as provided for by the existing Regulations, except by the sentence of a general court-martial, or special orders of the Governor-General in Council, or Commander-in Chief.

“All discharges are to express the cause and to refer to the date of the communication, in cases where the authority for the discharge shall be obtained through the Adjutant-General’s Office.”—(General Order, Commander-in-Chief, 26th Oct. 1812.)

“Commanding officers of corps are authorised to exercise their discretion in discharging men from the service, without reference to headquarters. All native soldiers who may be convicted of the crime of theft before a court-martial, his Excellency considering such persons to be a disgrace to the military profession, and unworthy of remaining in the service.”—(General Order, Commander-in-Chief, 14th April, 1813.)

“It being proved to the satisfaction of the Commander-in-Chief, that Cambdar, a Naick (corporal) in the corps of Golumdanz, has been for a length of time guilty of malingering, his Lordship is pleased to direct that this non-commissioned officer be discharged the service. The Commander-in-Chief desires the cause of Cambdar Naick’s dismissal from the service may be explained to every native corps in the service. The Commander-in-Chief takes this opportunity of cautioning the men of the native cavalry against a practice which is understood to be by no means uncommon among them, viz. that of men who receive simple fractures or other hurts by falls from their horses, or other accidents, using means to distort their limbs, and otherwise to retard and render imperfect the cure of such hurts, for the purpose of being placed on the Invalid Establishment. Any man found guilty of this practice in future, is to be reported without delay to headquarters, it being the Commander-in-Chief’s determination not to allow any malingerer, or person guilty of using means to render himself unfit for duty, to remain in the service, or to burthen the Invalid Establishment.”—(General Order, Commander-in-Chief, 29th March, 1815.)

Pensioning of disabled Natives.

Native annual invaliding Committees of Surgeons are to assemble on the 31st March, for the purpose of examining men who may be recommended for the Invalid Establishments from the native corps.

“No man shall be recommended for, or entitled to the benefit of the Invalid Establishment, who shall serve the Company less than fifteen years, excepting such as may *have been wounded, or contracted incurable disorders in the service.* Disorders which they may have brought on themselves, or which may not have arisen from wounds received on duty, shall give them no claims to the benefit of the establishment, which is only intended for those who are worn out, or who may have suffered from actual service.”—(Minutes of Council, 9th May, 1788.)

To entitle a non-commissioned officer to receive the benefits of the pay of the rank he may hold, he must have served in that rank for three years.

“ The Commander-in-Chief directs that the cases of men who may have suffered severely in the service, either by loss of limbs, by blindness contracted on service, or by the number and severity of their wounds, and who are consequently fit objects for every indulgence that can be shown them, consistently with the regulations of Government, be particularly and pointedly noticed by invaliding committees, and the general committees are moreover required to state on their proceedings for the consideration of the Commander-in-Chief, all instances of men coming under any of the above descriptions, whom they may deem proper objects for the provisions of full invalid pay.”—(General Order, Commander-in-Chief, 1808.)

After the annual assembly at Allahabad of the men recommended as fit objects for the invalid establishment, committees of field-officers and surgeons are to be assembled to investigate the claims of the men so recommended, reporting the result of their investigation to the Commander-in-Chief, and particularly distinguishing such native officers and men as are fit for duty in the invalid battalion, from such as are incapable of all duty.

“ All the privates capable of doing duty in the invalid battalions are to be enrolled in those battalions; all native commissioned and non-commissioned officers supernumerary to the establishment of the invalid battalions, are to be allowed to retire upon the reduced pay of their respective ranks, to any of the villages of the Company’s dominions.”—(General Order, Commander-in-Chief, 9th Sept. 1802.)

“ All invalids who may have lost limbs, been severely wounded, or become blind in the service, are by the general committees to be allotted as invalid pensioners on full invalid pay.”—(Regulations for Medical Committees, 1811.)

“ The general invaliding committees are enjoined to be very exact and particular in the performance of the duties assigned them.”

“ Reports of the proceedings of the general committees are to be transmitted in duplicate to head-quarters, as soon after the committees may have closed their proceedings as possible.”

“ To each of these reports is to be annexed an abstract accounting for every man whose name is borne on the proceedings of the committee, and exhibiting the numbers of each rank allotted to the several branches of the invalid establishment, as ‘ Garrison Duty,’ ‘ Invalid Full Pay,’ ‘ Invalid reduced Pay.’ ”

“ All the privates found fit for garrison duty to join the native invalid battalions; and all commissioned and non-commissioned officers who may remain in excess to the establishment of those corps after they shall have been completed, (and all privates unfit for garrison duty) are to be allowed to retire on the invalid pay of their respective ranks, with an advance of six months’ pay.”—(Regulations for the Invalid Establishment, 1810.)

“ All commissioned and non-commissioned native officers, as well as privates, who may be invalided subsequently to the date of this Regulation, and who may not be fit for garrison duty, shall be entitled to receive for their future support during their lives, the pay of their respective ranks established by the orders of Government, under date the 15th Feb. 1811, as follow :”—

Rates of monthly pay of native invalid officers and privates of the regular corps, comprising Cavalry, Golundauze, Infantry, Miners, Pioneers, Gun Lascars, and Ordnance Drivers.

RANK.	Pay Sonat Rupees.	Addi- tional Pay.	Total.	Sterling. A rupee is estimated at one shilling & tenpence.
Subadars (Captains)	25	15	40	£ s. d. 3 13 0
Jemedars (Lieutenants) Serangs	12	8	20	1 16 6
Havildars (Scribeants), Naicks (Corporals), Native Doctors, Tindals, and half caste drummers	7	5	12	1 2 0
Troopers, Sepoys, drummers (not half caste) Trumpeters, Pioneers, Miners, 1st Class, and Gun-Lascars				
Ordnance Drivers, Miners, 2d Class, Far- riers, Bheesties (Water-carriers), Syces (Grooms), Grass-cutters, and Quarters- Masters, Lascars	3	2	5	0 9 2

The "additional pay" is to be given to persons who may have lost a limb, or become blind, or who have been reduced to a helpless state by wounds received on service.

The invalid pensioner is to receive his pay at half yearly periods in advance.

SUMMARY.

TERMS OF ENGAGEMENT.

I. EUROPEAN FORCES.

A recruit who enlists for unlimited service, is entitled

1. To receive a bounty upon serving the term of 12 years, if he has conducted himself to the satisfaction of his commanding officer.
2. To receive his discharge at the expiration of 17 years' service, if he has behaved well.

Claims for Pension.

1. Period of service 21 years.
2. Wounds or injuries received on service.
3. Disabilities after 14 years' service.

II. NATIVE TROOPS.

1. Recruits engage to serve three years in time of peace ;—and
2. Recruits engage to serve an unlimited period in time of war.

Claims for being transferred to the Invalid Establishment.

1. Disabilities which disqualify a man from active duty, if he has served 15 years.
2. Wounds or injuries received on duty.

LAW BY WHICH THE RECRUITING OF THE FRENCH
ARMY IS NOW REGULATED.

TRANSLATED FROM THE FRENCH.

Paris, 10th March, 1818.

Louis, by the Grace of God, &c.

WE have proposed, the Chambers have adopted, we have ordered, and do order as follows:—

SECTION I.

OF VOLUNTARY ENROLMENT.

ARTICLE I.—It is intended the army should be recruited by voluntary enlistment, but if a sufficient number of recruits do not offer themselves, the deficiency must be supplied by a conscription, conducted according to the rules prescribed in Section II.

ART. II.—Every Frenchman shall be entitled to enrol himself, provided he is eighteen years of age, that he has not lost his civil rights, and that he is in all respects fit for the corps in which he wishes to enlist. Vagabonds, or men of notoriously bad character, are not to be allowed to enlist as recruits for the French Army.

ART. III.—The duration of a voluntary enrolment shall be six years in the Departmental Legions, and eight years in all the other classes of troops. No bounty is to be allowed to recruits.

ART. IV.—Recruits must contract their engagement before a magistrate, according to the forms prescribed in Articles thirty-four and forty-four of the civil code. The conditions relative to the period for which a recruit engages are to be recorded in the deed of enrolment, and all other conditions are to be read to the contracting parties before the prescribed signatures are affixed. Unless it be certified upon the above-named document that these forms have been complied with, the engagement is null.

SECTION II.

OF THE LEVY OF TROOPS BY CONSCRIPTION.

ART. V.—The full complement of the peace establishment of the army, including officers, non-commissioned officers, and soldiers, is fixed at 240,000 men.

The annual number of conscripts drawn must not exceed 40,000 men, and the strength of the army is never to be larger than the peace establishment already indicated.

When a larger establishment is required, the contingency will be provided for by a specific law.

ART. VI.—The annual number of conscripts to be raised, is to be apportioned among the departments, arrondissements, and cantons, in proportion to the population, as taken by the last census.

A return of the numerical proportion or assessment of conscripts to be called out in each department, is to be communicated to the Chambers; it is also to be made public by posting the tables up in places of public resort, together with an abstract of the number of men who had enlisted during the preceding year.

ART. VII.—The contingent apportioned to each canton will be furnished by lot from the youths who have a legitimate residence in the canton, and who shall have reached the age of twenty during the preceding year.

For the first operation of this law, the youths, who completed their twentieth year during the years 1816 and 1817, are to be included in the levy for 1818, but the contingent for each of these years is not to exceed 40,000, as prescribed in Article v.

All persons comprehended in the above two classes who have contracted marriage previously to the promulgation of this law are to be exempted from serving in the army.

ART. VIII.—The following classes of persons shall be considered to have a legal residence in a canton.

1. Young men who have received a dispensation, and those who are residing abroad, expatriated or detained as prisoners, provided their father, mother, or tutor, has their residence in one of the communes of the said canton, or if they be the sons of an expatriated father, who had his last residence in said canton.

2. Persons that are married, whose father or mother, should the father be dead, resides in the canton, provided they do not prove that they have a fixed residence in another canton.

3. Married persons who reside in a canton, although their father or mother be domiciled elsewhere.

4. Young persons born and residing in a canton, who have neither father nor mother nor tutor.

5. All persons that reside in a canton, although they may not be included in any of the above classes, provided they fail to prove that their names have been inscribed in another canton.

ART. IX.—Persons who fail to produce an extract from the parish register, specifying the time they were born, will have their age estimated according to public notoriety.

ART. X.—Should it be discovered that a young man has escaped enrolment in the conscription list, he is to be included in the list for the succeeding year.

ART. XI.—The conscription list of a canton is to be compiled by the Mayors, and made public in each commune or parish, according to the form prescribed in articles sixty-three and sixty-four of the civil code.

Public notice shall be given, which will announce the place and time when the conscription list shall be examined, and the drawing by lot of the contingent of the canton is to commence.

ART. XII.—When a canton comprehends several communes, the examination of the lists and the drawing of the contingent are to take place at the capital of the canton. These duties are to be publicly performed, and in the presence of the Sub-prefect and Mayors of the canton. In cantons composed of one commune, or of a portion of a commune, the Sub-prefect will be assisted by the Mayor and his assistants.

The names of the conscripts shall be read in an audible voice, and objections may then be adduced by them, or their relations, should they have cause to complain. The Sub-prefect and the Mayor shall decide upon the case of a remonstrant. The corrected list of the conscripts is next to be verified by the signature of the requisite authorities.

Immediately after the lists have been thoroughly sifted and deemed correct, the conscripts are to be called one by one, according as they stand upon the roll, and each is to draw a number from an urn, which is to be publicly announced and registered. When a conscript is absent, his relations or the Mayor of the commune may draw for him.

As the drawing proceeds, the names of the young men are to be arranged according to the priority of the numbers they have drawn. When a young man that has drawn a number within the amount of the contingent claims a dispensation, his reasons are to be recorded. In regard to all such cases, the Sub-prefect is directed to add his own opinion respecting the validity of the claims.

The roll of the names of the persons who have drawn numbers is to be publicly read in the same manner as the verified list of the conscripts, and to the said roll is to be annexed an abstract of the proceedings.

This list is to be published and posted up in each commune of the canton.

ART. XIII.—The whole proceedings are to be revised in open court by a council composed of the Prefect, who is to be the President, a counsellor of the Prefecture, a member of the general council of the Department, a member of the council of the Arrondissement, and a general officer specially appointed by the King. The council will hold its sittings in the chief towns of an arrondissement or canton.

The young men that have drawn numbers which indicate that they are to belong to the contingent, are to be assembled, examined, and heard in their own cause.

Should the young men fail to appear, or omit to assign a reason for their absence, the revisal of the proceedings by the council is to take place, and the business concluded as if they were present, provided they have not obtained leave to postpone their attendance.

The cases of men who claim an exemption from serving on account of disabilities, are to be investigated by medical officers.

All other classes of alleged claims to exemption are to be decided upon by authentic documents or certificates of the Mayor of the commune where the claimant resides, and three heads of families belonging to the same canton, whose sons are liable to the conscription law, or are serving at the time in the army.

With the exception of cases, such as are mentioned in number sixteen, the decision of the council of revision is conclusive.

ART. XIV.—Young men who have drawn numbers which indicate that they belong to the contingent, are for the following reasons to be exempted and replaced. The dispensations are to take place in the order of the subsequent numbers or reasons for exemption.

1. All conscripts who are not one metre fifty-seven centimetres in height, five feet two inches English measure.

2. All persons who suffer under infirmities which render them unfit for the army.

3. The eldest son of a family of orphans where both parents are dead.

4. The only son, the eldest son, or if there be no son, the grandson, or the eldest of the grandsons of a widow, a father, if blind, or a man of seventy years of age.

5. The eldest of two brothers who have both been drawn for the same levy.

6. All conscripts who have a brother actually serving in the army, under whatever denomination, or who had a brother died in the service, or one discharged as unfit for military duty on account of wounds received, or disabilities contracted in the service.

The above claims of exemption will be sanctioned in the same family as often as the circumstances occur.

With the exception of persons who have been exempted on account of disabilities, the aforesaid causes of dispensation are not to prevent young men from being inscribed in the subsequent conscription list.

ART. XV.—Young men whose numbers indicate that they belong to the contingent, are under the following circumstances to be exempted from serving without being replaced.

1. All persons who have voluntarily enlisted in the army.

2. Seamen that are registered according to the law of the 25th Dec. 1795, and ship carpenters, borers, sailmakers and caulkers, if they be registered according to the 44th Article of the said law.

3. Medical officers who belong to the Navy or Army.

4. Young men regularly authorized to continue their ecclesiastical studies, on condition that they forfeit the benefit of a dispensation should they not take orders.

This rule applies to all the different persuasions or sects whose Ministers are paid by the State.

5. Pupils of the Ecole Normal, together with the teachers attached to them, provided the latter engage to devote ten years to this duty.

This article applies to students of theology; the students of languages; the students of the polytechnique schools, and schools intended to qualify young men for employment in the service of the State.

The student of schools specifically calculated to qualify young men for the Army or Navy. Provided, however, that the said pupils continue to prosecute their studies, or have been admitted into the service for which they were preparing themselves; and under the condition that they forfeit the benefit of the dispensation if they abandon the aforesaid studies, or are not admitted into the service, or if they quit it before the time fixed for a soldier to serve.

6. Young men who shall have been awarded a considerable prize by the Royal Institute, or the honourable mark of merit decreed by the Council of the University.

ART. XVI.—Should any young men who belong to the contingent of a canton, claim an exemption from serving in consequence of questions involving civil rights, the conscripts next in rotation according to their number, are, until their claims be judicially decided, to supply the place of the appellants, in the same manner as if they had received a dispensation.

The questions at issue are to be peremptorily decided by the Prefect, when urged by one of the parties.

The courts of law shall deliver their verdict on these cases without delay, when an officer of Government is to be heard. An appeal may be made from this decision.

ART. XVII.—When the whole business of the conscription, including the list of exemptions, dispensations, or appeals, has been examined, the roll of the names of the contingent of each canton is to be finally closed and signed by the Council of Revision.

Young men who, in compliance with Article 16, may be called upon to replace others, are to be entered on the list of the contingent conditionally only, their rights being duly guarded.

It is the business of the Council next to announce, that all persons whose names are not inscribed on this list, are definitively exempted from serving in the army. This announcement, with the last number of the contingent, is to be published and posted up in each commune of the canton.

When the courts of civil judicature shall have decided upon the cases comprehended in No. 16, the Council is, according to their decision, to announce the exemption of the appellant, or that of the conscript who was conditionally called upon to replace him.

ART. XVIII.—Substitutes will be accepted in place of young men who belong to the contingent, provided a substitute be beyond the reach of the conscription law, that he is not above thirty years of age, or thirty-five if he has been a soldier, and that he has the height and other qualities requisite to fit him for the army.

Substitutes shall be admitted by the Council of Revision, and the act of substitution is to be annexed to the proceedings of the Council.

A conscript who does not form part of the Contingent, may exchange with one who is included in it; but both persons must belong to the same drawing.

Any agreements which are made between principals and substitutes are to be subjected to the same rules and forms as other civil contracts.

The principal is responsible for his substitute in case of desertion during a period of one year, to be reckoned from the day the act of substitution receives the signature of the Prefect. He will, however, be liberated from his responsibility should the deserter be arrested within the year, or if the substitute dies in the army.

ART. XIX.—The young men included in the contingent, or their substitutes, are to be told off to different regiments, and registered in the books of the respective corps of the army.

They will be permitted to return to their usual place of residence, and considered as soldiers on leave of absence.

These recruits will not be ordered to join the corps to which they belong but in proportion to the wants of the army; and they will be called out according to the priority of their respective classes.

ART. XX.—The duration of the period of service of soldiers levied by conscription shall be six years, which is to be reckoned from the 1st Jan. of the year they are inscribed on the books of a corps of the army.

The contingent of the year 1816 shall be required to serve only five years.

In time of peace, all the soldiers who have served the required period shall be discharged on the 31st Dec.

But in time of war they shall not be discharged until a new contingent has joined the corps to replace them.

SECTION III.

RE-ENGAGEMENTS.

ART. XXI.—Soldiers who re-enlist, must engage to serve before the "*intendans, or sous intendans militaires,*" according to the forms prescribed in Art. 4. Upon the production of the documents requisite in

such cases, depends the right of a soldier to remain in the corps to which he formerly belonged, or to join another.

ART. XXII.—The period during which a soldier may re-engage to serve, is never to exceed that of a primary enlistment; but a man may be permitted to engage for two years only.

Soldiers who re-enter the service are entitled to an advance of pay, and they may be received into the Gendarmerie, or the Veterans of the Line.

All other conditions shall be determined by the King, and made public.

SECTION IV. OF VETERANS.

ART. XXIII.—During war, all non-commissioned officers* and soldiers who have served the prescribed period, and returned to their former place of residence, shall be for a period of six years subjected to a local service, under the denomination of Veterans.

Veterans may marry and settle themselves.

In time of peace they shall not be liable to any duty, and even during war they will not be required to extend their services beyond the military division in which they reside, except in consequence of a law made for that purpose.

ART. XXIV.—Non-commissioned officers or soldiers, who have served the prescribed period, cannot be again taken into the army, but with their own consent.

They are liable only to the local service of Veterans.

Discharged soldiers, who are thirty-two years of age, or who have served twelve years in the army, or who were discharged in consequence of wounds, or some important disease, will be exempted from the local service.

SECTION V. PENAL ENACTMENTS.

ART. XXV.—All the enactments, laws, ordonnances, rules, or instructions, formerly promulgated in regard to the recruiting of the army, are and remain annulled.

The civil and military tribunals before whom causes in respect to the recruiting of the army may be brought, will be guided in their decision by this law.

With respect to crimes of a military character, judges are to be guided in their conclusions, &c. by the 595th Art. of the Criminal Code.

ART. XXVI.—Every functionary or public officer, civil or military, who shall under any pretext whatever authorize or sanction exemptions, dispensations, or exclusions, except in compliance with the present law, or who shall on his own responsibility make any alteration in its enactments, either in regard to the duration, or as to the rules or conditions of engagements, appeals, re-engagements, or of the service of the Veterans, shall be accounted guilty of an abuse of authority, and subjected to the penalties directed in the 185th Art. of the Penal Code, and this without being exempted from the still more heavy

* Under the term non-commissioned officers are included serjeants and serjeant-majors in the infantry; *maréchaux-des-logis*, and *maréchaux-des-logis chefs* in the cavalry, and *adjudants* in both branches of the service.

penalties awarded by that code in the other cases which it has provided for.

SECTION VI.
PROMOTION.

ART. XXVII.—A soldier is not to be promoted to the rank of a non-commissioned officer before he is twenty years of age, and has served two years in the regular army.

No soldier is to be promoted to the rank of a commissioned officer before he has served two years as a non-commissioned officer, or, if he has not for the same period prosecuted a course of education at a special military school, and undergone a satisfactory examination at the said school.

ART. XXVIII.—One third of the vacant commissions of second-lieutenant will be given to non-commissioned officers.

Two-thirds of the vacant commissions of the ranks of lieutenant, captain, chef de bataillon or squadron, and lieutenant-colonel, shall be given according to seniority.

The majors shall be selected from captains employed as paymasters, or who have had the charge of the clothing of a corps; or adjutant-majors. Paymasters, and officers of clothing, are to be selected from officers who shall have been serjeant-majors, or *maréchaux-des-logis chefs*. Adjutant-majors are to be chosen from lieutenants, who had been adjutants and serjeant-majors, or *maréchaux-des-logis chefs*; and adjutants from serjeant-majors or *maréchaux-des-logis chefs*.

ART. XXIX.—All officers must serve four years in each rank before they can be promoted to another.

This rule is never to be infringed except during war, upon extraordinary occasions, or in consequence of remarkable examples of bravery, which must have been recorded in the Order Book of a corps.

ART. XXX.—In conformity with these general views, the promotion of the army is to be conducted. The requisite rules which may be necessary on this subject, shall be promulgated in the collection of laws.

Hence all former enactments, ordonnances, rules, instructions, or decisions, respecting promotion, are and remain abrogated.

This law, which has been discussed and adopted by the Chamber of Peers, as also by that of the Deputies, and has this day received Our sanction, shall be considered a law of the State. Our desire, therefore, is, that it be kept and observed throughout our kingdom and the territories under our authority.

We therefore order and command Our Courts and Tribunals, Prefects, Administrative bodies, and others, concerned by these presents, to keep and maintain this law, and to cause it to be kept and maintained; and it is Our will and pleasure, that for the purpose of duly promulgating this law, the said authorities shall cause it to be registered and published as may seem necessary; and to the end that it be duly authorised, We have affixed Our Seal.

Given at Paris, the 17th March, 1818, and of the Twenty-third year of Our reign.

(Signed)

By the King,

Seen and Sealed with the Great Seal.

LOUIS.

(Signed) PASQUIER, Keeper of the Great Seal, and Secretary
of State for the Administration of the Laws.

(Signed) M. GOUVION-SAINT-CYR, Secretary at War.

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